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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
THE PEOPLE OF THE STATE OF NEW YORK, :
by ANDREW M. CUOMO, Attorney General of :
the State of New York, and THE CITY OF NEW :
YORK, :

No.: 07 Civ 8434

Plaintiffs, :

-against- :

MERCK & CO., INC., :

Defendant. :
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**NOTICE OF MOTION BY DEFENDANT MERCK & CO., INC. TO
STAY ALL PROCEEDINGS PENDING TRANSFER DECISION
BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

PLEASE TAKE NOTICE that, upon Defendant Merck & Co., Inc.'s Notice of Motion, the Declaration of Vilia B. Hayes, and the accompanying Memorandum of Law in Support of its Motion to Stay All Proceedings Pending Transfer Decision By The Judicial Panel On Multidistrict Litigation, Defendant Merck & Co., Inc. will move this Court in the United States Courthouse for the Southern District of New York for an Order staying the above referenced

case pending its likely transfer to *In re Vioxx Marketing, Sales Practices And Products Liability Litigation*, MDL No. 1657, the multidistrict litigation proceeding that has been established in the Eastern District of Louisiana before the Honorable Eldon E. Fallon to coordinate all federal court product liability lawsuits involving Vioxx®.

DATED: New York, New York
September 28, 2007

Respectfully submitted,

HUGHES HUBBARD & REED LLP

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